

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LOGISTICS ONE WAREHOUSING, INC.,

Plaintiff,

- against -

WESTCHESTER FIRE INSURANCE COMPANY,

Defendant.

Civil Action No.: 1:11-CV-0508
(LEK/DRH)

[State Index No.: 2011877/2011]

NOTICE OF REMOVAL

WESTCHESTER FIRE INSURANCE COMPANY ("Westchester"), by and through its counsel, Cozen O'Connor, files this Notice of Removal from the Supreme Court of the State of New York, County of Saratoga, in which this case is now pending, to the United States District Court for the Northern District of New York, pursuant to 28 U.S.C. § 1332, and in support thereof, states and alleges as follows:

1. Plaintiff commenced this civil action by a Summons and Complaint filed in the Supreme Court of the State of New York, County of Saratoga, on or about March 16, 2011 under Index No. 2011877 (the "State Action"). A copy of the Summons and Complaint are attached as Exhibit A.
2. The State Action involves plaintiff's claims against Westchester for coverage under an insurance policy for building and personal property losses.
3. Westchester was served with plaintiff's Complaint through the New York Insurance Department on or about April 6, 2011. Westchester first received the Complaint on April 15, 2011.

4. According to the Complaint, plaintiff is a domestic corporation with a place of business at 33 Cady Hill Boulevard, Saratoga Springs, New York 12866, and was at all relevant times located in the State of New York.

5. Westchester is a Pennsylvania corporation with its principal place of business in Philadelphia, Pennsylvania.

6. Without waiver of defendant's defenses and objections to service and personal jurisdiction, complete diversity exists between the parties under 28 U.S.C. § 1332.

7. Based on plaintiff's Complaint, the amount in controversy in this matter is well in excess of the \$75,000 jurisdictional requirement of 28 U.S.C. § 1332, exclusive of interest and costs. See Exhibit A.

8. Under 28 U.S.C. § 1332, and without waiver of defendant's defenses and objections to personal jurisdiction, this Court has subject matter jurisdiction founded on diversity of citizenship between plaintiff and defendant, and the amount in controversy, as indicated by plaintiff's allegations, exceeds \$75,000, exclusive of interest and costs.

9. Westchester certifies that to its knowledge the matter in controversy is not the subject of any other pending court action, arbitration, or administration, other than the State Action referred to above.

10. A copy of this Notice of Removal is being filed with the Clerk of the Supreme Court of the State of New York, County of Saratoga and is being served upon plaintiff pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Notice is given that the State Action is removed from the Supreme Court of the State of New York, County of Saratoga to the United States District Court for the Northern District of New York.

Dated: New York, New York
May 4, 2011

COZEN O'CONNOR

By: 

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